

LATHAM & WATKINS LLP
Belinda S Lee (Cal. Bar No. 199635)
belinda.lee@lw.com
Sarah M. Ray (Cal. Bar No. 229670)
sarah.ray@lw.com
Aaron T. Chiu (Cal. Bar No. 287788)
aaron.chiu@lw.com
505 Montgomery Street, Suite 2000
San Francisco, California 94111-6538
Telephone: +1.415.391.0600
Attorneys for Defendant Apple Inc.

HAGENS BERMAN SOBOL SHAPIRO LLP
Steve W. Berman (pro hac vice)
1301 Second Avenue, Suite 2000
Seattle, WA 98101
Telephone: (206) 623-7292
steve@hbsslaw.com

Ben M. Harrington (SBN 313877)
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
Telephone: (510) 725-3000
benh@hbsslaw.com

SPERLING & SLATER, LLC
Eamon P. Kelly (*pro hac vice*)
Joseph M. Vanek (*pro hac vice*)
Jeffrey Bergman (*pro hac vice*)
55 W. Monroe Street, 32nd Floor
Chicago, IL 60603
Telephone: (312) 676-5845
ekelly@sperling-law.com
jvanek@sperling-law.com
jbergman@sperling-law.com

Attorneys for Plaintiffs and the Proposed Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

AFFINITY CREDIT UNION,
GREENSTATE CREDIT UNION, and
CONSUMERS CO-OP CREDIT UNION,

Plaintiffs,

v.

APPLE INC.

Defendant.

CASE NO. 4:22-cv-04174-JSW

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT**

Date: June 21, 2024

Time: 11:00 a.m.

Place: Courtroom 5, 2nd Floor, Oakland

Judge: The Honorable Jeffrey S. White

Pursuant to this Court’s November 29, 2023 Order (ECF No. 68) and Local Rule 16-10(d) of the Northern District of California, Plaintiffs Affinity Credit Union, GreenState Credit Union, and Consumers Credit Union f/k/a Consumers Co-Op Credit Union (together, “Plaintiffs”), and Defendant Apple Inc. (“Apple”) submit this Joint Case Management Conference Statement, which provides updates since the last Joint Case Management Conference Statement submitted by the Parties on November 17, 2023 (ECF No. 67).

1. DISCLOSURES

The Parties exchanged initial disclosures on December 8, 2023, pursuant to Fed. R. Civ. P. 26. The Parties disclosed numerous individuals—including third parties—likely to have discoverable information, as well as documents, electronically stored information, and tangible things that are in the Parties’ possession, custody, or control, that the Parties may use to support their claims and defenses.

2. DISCOVERY TO DATE

The Parties are working diligently toward the June 20, 2024 deadline for the substantial completion of fact discovery.

Apple’s Non-Custodial Documents and Data Production. Plaintiffs served their first set of requests for the production of documents (“RFPs”) on November 17, 2023, all of which were non-custodial document or data requests. Apple served objections and responses to those RFPs on December 18, 2023, and, to-date, Apple has produced over 345,913 pages of documents (reflecting over 44,000 documents) in response to those RFPs. Apple expects to substantially complete its additional production of the aggregated Apple Pay transaction data that Apple keeps in the ordinary course of business by the June 20, 2024 deadline for substantial completion of document productions. As Apple informed Plaintiffs during a meet-and-confer on April 24, 2024, disaggregated Apple Pay transaction data is available from third parties.

Apple’s Custodial Documents. Plaintiffs served custodial RFPs on February 22, 2024, and Apple served responses and objections to those RFPs on March 25, 2024. The Parties have diligently met-and-conferred every week, including to narrow Plaintiffs’ second set of RFPs. Apple has proposed to produce documents from six custodians in response to those RFPs and is

1 completing the custodial review of these six custodians' documents pursuant to the search terms
2 proposed by Apple. Plaintiffs have proposed revisions to those search terms along with six
3 additional custodians, one of whose custodial files Apple has agreed to produce. As noted below,
4 the Parties continue to negotiate potential additional custodians and revised search terms.
5 Naturally, the timeline for the completion of Apple's custodial document production depends on
6 any agreement the Parties ultimately reach about the scope of collection. Even absent this
7 agreement, Apple's custodial documents have been collected, are being reviewed, and will be
8 produced promptly on an ongoing basis once review is completed.

9 Plaintiffs' Documents and Data. Apple served its first set of RFPs on Plaintiffs on
10 January 23, 2024, and Plaintiffs served objections and responses to those RFPs on February 22,
11 2024. Plaintiffs anticipate making initial productions in the coming days. Plaintiffs proposed a
12 total of eight custodians along with search terms to run on those custodians' ESI. Apple has not
13 yet proposed any additional custodians, and the Parties are engaged in ongoing discussions
14 regarding Plaintiffs' proposed search terms. Plaintiffs GreenState Credit Union and Consumers
15 Co-op Credit Union believe they are on track to meet the deadline of June 20, 2024, to substantially
16 complete production of responsive and relevant documents. Documents from Plaintiff Affinity
17 Credit Union are in the process of being collected, and will be reviewed, and produced promptly
18 once collection is completed.

19 Ongoing Meet-and-Confers. The Parties have worked cooperatively to advance discovery,
20 including by holding weekly meet-and-confer calls to discuss outstanding issues. Although the
21 Parties continue to work in good faith to progress fact discovery, they have not yet been able to
22 reach resolution on a few topics that may eventually necessitate Court resolution, including: (1) the
23 five additional Apple custodians that Plaintiffs have requested, as well as the custodians from
24 whom Plaintiffs will search for responsive documents; (2) the search terms Apple and Plaintiffs
25 will use to cull their respective responsive documents; and (3) the geographic scope of Apple's
26 production.

27 //

28 //

1 Dated: June 14, 2024

Respectfully submitted,

2 **LATHAM & WATKINS LLP**

3 By: /s/ Belinda S Lee
Belinda S Lee

4 Belinda S Lee (Cal. Bar No. 199635)

belinda.lee@lw.com

5 Sarah M. Ray (Cal. Bar No. 229670)

sarah.ray@lw.com

6 Aaron T. Chiu (Cal. Bar No. 287788)

aaron.chiu@lw.com

7 505 Montgomery Street, Suite 2000

8 San Francisco, California 94111-6538

Telephone: +1.415.391.0600

9 *Attorneys for Defendant Apple Inc.*

10
11 Dated: June 14, 2024

Respectfully submitted,

12 **HAGENS BERMAN SOBOL SHAPIRO LLP**

13 By /s/ Ben M. Harrington

14 Ben M. Harrington (SBN 313877)

715 Hearst Avenue, Suite 202

Berkeley, CA 94710

15 Telephone: (510) 725-3000

16 Facsimile: (510) 725-3001

benh@hbsslaw.com

17 Steve W. Berman (*pro hac vice*)

1301 Second Avenue, Suite 2000

18 Seattle, WA 98101

19 Telephone: (206) 623-7292

Facsimile: (206) 623-0594

20 steveb@hbsslaw.com

21 **SPERLING & SLATER, LLC**

Eamon P. Kelly (*pro hac vice*)

22 Joseph M. Vanek (*pro hac vice*)

Jeffrey Bergman (*pro hac vice*)

23 55 W. Monroe Street, 32nd Floor

Chicago, IL 60603

24 Telephone: (312) 676-5845

Facsimile: (312) 641-6492

25 *ekelly@sperling-law.com*

jvanek@sperling-law.com

26 *jbergman@sperling-law.com*

27 Phillip Cramer (*pro hac vice*)

1221 Broadway, Suite 2140

28 Nashville, TN 37203

Telephone: (312) 641-3200
Facsimile: (312) 641-6492
pcramer@sperling-law.com

Attorneys for Plaintiffs and the Proposed Class

SIGNATURE ATTESTATION

I, Belinda S Lee, am the ECF User whose identification and password are being used to file the foregoing Joint Case Management Conference Statement. Pursuant to Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained.

Dated: June 14, 2024

Respectfully submitted,

LATHAM & WATKINS LLP

By: /s/ Belinda S Lee
Belinda S Lee
Attorney for Defendant Apple Inc.